



CNR: KAHC010627982025

NC: 2026:KHC:47613-DB
WA No. 1573 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1573 OF 2025 (EDN-RES)

BETWEEN:

1. HARSHA HOSPITAL,
NO.193/4,
BYRAVESHWARANAGAR,
SONDEKOPPA CIRCLE,
NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT-562123,
REPRESENTED BY ITS
PARTNER G.H. PRAKASH.
2. G.H. PRAKASH
S/O HANUMAIAH,
PARTNER OF HARSHA HOSPITAL,
AGED ABOUT 59 YEARS,
RESIDING AT NO.5971, SMT NILAYA,
GOVINDAPPA LAYOUT,
SUBHASHNAGAR, NELAMANGALA,
BANGALORE – 562123.
3. MRS. SUNANDHA
W/O LATE H. SHIVAKUMAR
PARTNER OF HARSHA HOSPITAL,
AGED ABOUT 59 YEARS,
NO.5743, BEHIND PWD QUARTERS,
SUBHASH NAGAR, NELAMANGALA,
BANGALORE-562123.





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4. S. MANJUNATH
S/O LATE H. SHIVAKUMAR,
PARTNER OF HARSHA HOSPITAL,
AGED ABOUT 37 YEARS,
RESIDING AT 5347, SUBASHNAGAR,
BACKSIDE PWD QUARTERS,
NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT-562123.
5. S. PAVITHRA
D/O LATE PIPELINE KUMAR
PARTNER OF HARSHA HOSPITAL,
AGED ABOUT 35 YEARS,
RESIDING AT NO.88, PIPELINE ROAD,
MAGADI MAIN ROAD, ANJANANAGAR,
BENGALURU-560091.

...APPELLANTS

(BY SRI. A. VELAN, ADVOCATE FOR
SRI. TEJASVI .K.V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY,
DEPARTMENT OF MEDICAL EDUCATION,
M.S. BUILDING, AMBEDKAR VEEDI,
BENGALURU-560001.
2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,
KARNATAKA BENGALURU,
REPRESENTED BY ITS REGISTRAR,
4TH BLOCK, JAYANAGARA,
BENGALURU-560041.
3. SRI SRINIVASA CHARITABLE TRUST,
NO.5743, BACK SIDE OF PWD QUATRES,
SUBHASHNAGAR, NELAMANGALA,
BENGALURU RURAL-562132.
REPRESENTED BY ITS TRUSTEE
SRI S. SHIVAKUMAR.



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4. S. SHIVAKUMAR
S/O SRI SIDDALINGAPPA
TRUSTEE,
SRI SRINIVASA CHARITABLE & EDUCATION TRUST,
AGED ABOUT 53 YEARS,
RESIDING AT NO.193/4,
BYRAVESHWARANAGAR,
SONDEKOPPA CIRCLE,
NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT-562123.
5. GIRIJA .G
W/O SHIVAKUMAR .S
TRUSTEE,
SRI SRINIVASA CHARITABLE & EDUCATION TRUST,
AGED ABOUT 45 YEARS,
RESIDING AT NO.193/4,
BYRAVESHWARANAGAR,
SONDEKOPPA CIRCLE,
NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT-562123.

...RESPONDENTS

(BY SRI. S.R. KHAMROZ KHAN, AGA FOR R-1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 READ WITH ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE FINAL ORDER DATED 16TH JULY 2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.21472 OF 2024.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA



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ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. This intra-Court appeal is directed against the order dated 16.07.2025 [**the impugned order**] passed by the learned Single Judge in W.P.No.21472/2024 [EDN-RES], whereby the writ petition filed by the appellants came to be dismissed. The writ petition had been instituted, *inter alia*, seeking a direction to respondent No.2- Rajiv Gandhi University of Health Sciences [**the RGUHS**] to investigate the complaint dated 09.01.2024, lodged by the appellants and to take appropriate action against respondent No.3- Sri Srinivasa Charitable Trust [**the Trust**] and respondent Nos.4 and 5, in relation to the allegations of fraud and forgery. The appellants had also questioned the continuation of affiliation granted by respondent No.2 to respondent No.3 for the academic year 2023-24.

Brief facts

2. Appellant No.1-Harsha Hospital is a partnership firm constituted under a partnership deed, of which the appellants and respondent Nos.4 and 5 were partners. Respondent No.3 is stated to have been constituted by the concerned respondents. It is a



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case of the appellants that respondent Nos.4 and 5 are operating a physiotherapy institution under the name and style of “Harsha Institute of Physiotherapy”, from the premises belonging to the partnership firm. According to the appellants, respondent Nos.3 to 5, in order to secure and obtain affiliation from respondent No.2, allegedly created and relied upon a forged lease agreement. Alleging fraud and forgery in relation to the documents submitted for the purpose of obtaining affiliation, the appellants lodged a formal complaint dated 09.01.2024 before respondent No.2, seeking an investigation and appropriate action against the concerned respondents. It is the grievance of the appellants that notwithstanding the said complaint, respondent No.2 proceeded to grant affiliation to respondent No.3 for the academic year 2023-24. Aggrieved thereby and by the failure of respondent No.2 to enquire into the allegation made in their complaint, the appellants approached this Court by filing the aforesaid writ petition.

3. The appellants’ principal contention is that respondent Nos. 4 and 5, through respondent No.3, are unlawfully running Harsha Institute of Physiotherapy by using the premises and infrastructure belonging to appellant No.1, a partnership firm. It is specifically



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alleged that, to obtain and retain affiliation from respondent No.2, RGUHS, the contesting respondents relied on a forged lease agreement dated 21.11.2011. The appellants' grievance is that, notwithstanding the serious allegations in the complaint filed by the appellants, respondent No.2 proceeded to grant continuation of affiliation to respondent No.3 for the academic year 2023-2024.

4. The contesting respondents before the learned Single Judge, contended that the appellants had no *locus standi* to question the affiliation granted to respondent No.3 or seek an enquiry into the affairs of the institution. It was contended that the writ petition was essentially an offshoot of longstanding private and *inter se* disputes between the parties concerning the partnership, properties and other civil rights. It was further contended that the institution had been granted affiliation by the respondent No.2, RGUHS, from the year 2016 onwards and that such affiliation had been periodically continued after due inspection and verification by the competent authorities.

5. It was also pointed out that several civil, criminal and other proceedings were pending between the parties, demonstrating that



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the petition involved disputed questions relating to title, possession, identity of property and genuineness of documents, which could not be adjudicated in the proceedings under Article 226 of the Constitution.

Findings of the learned Single Judge

6. The learned Single Judge held that the dispute between the parties involved serious disputed questions of fact, particularly with regard to the alleged forgery of the lease agreement, the identity and location of the property from which the institution was being run, and the respective rights of the parties over the said properties and declined to entertain the writ petition. The learned Single Judge was of the view that such questions could not appropriately be adjudicated in proceedings under Article 226 of the Constitution and would require examination of evidence before the competent forum.

7. The learned Single Judge also held that the appellants had no *locus standi* to question the continuation of affiliation granted to respondent No.3 and observed that the dispute essentially arose out of the private disputes between the parties and did not involve



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a sufficient public law element warranting exercise of jurisdiction. Further, it was noted that the affiliation challenged in the writ petition pertained to the academic year 2023-24 and the continuation of affiliation had subsequently been granted for the succeeding academic year and consequently, it held that the challenge to the earlier notification had substantially become infructuous.

Reasons and conclusion

8. The writ petition was filed, *inter alia*, seeking a writ of mandamus directing respondent No.2, RGUHS, to investigate the complaint submitted by the appellants and to take appropriate action against respondent Nos.3 to 5, a writ of certiorari to quash the notification dated 20.02.2024 granting of continuation of affiliation and a further direction to respondent No.2 to cause an independent enquiry into the allegation of fraud, misappropriation and other illegal activities alleged against respondent Nos.4 and 5.

9. The principal foundation of the relief sought by the appellants is the allegation that the lease agreement dated 21.11.2011, allegedly relied upon by respondent Nos.3 to 5 for purpose of



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obtaining and continuing affiliation in favour of Harsha Institute of Physiotherapy is forged and fabricated.

10. It is not in dispute that the affiliation was initially granted to the said institute under a notification as early as in the year 2016. Thereafter, the affiliation was periodically continued by respondent No.2 in accordance with law including the academic year 2023-24. The notification dated 20.02.2024 granting continuation of affiliation was for the academic year 2023-24, which was the subject matter of challenge in the writ petition. The said academic year having already lapsed, the learned Single Judge held that the challenge to the notification pertaining to the said academic year had become infructuous.

11. Insofar as a prayer for direction to investigate the complaint dated 09.01.2024 is concerned, the substance of the complaint is that the lease agreement dated 21.11.2011 is forged and fabricated document. The said allegation is seriously disputed by respondent Nos.3 to 5. Whether the document is genuine or forged and the consequences following thereof are the matters which would necessarily require a detailed examination and appreciation of



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evidence. It is well settled that although the jurisdiction of the Court under Article 226 of the Constitution is wide, the writ jurisdiction is not ordinarily exercised for adjudicating seriously disputed questions of fact, requiring a detailed examination and appreciation of evidence.

12. The Supreme Court, in the case of **D.L.F. Housing Construction (P) Ltd. V. Delhi Municipal Corporation and Others**¹ held that in a case where the basic facts are disputed, and complicated questions of law and fact depending on evidence are involved the writ Court is not the proper forum for seeking relief. The right course for the High Court to follow was to dismiss the writ petition on this preliminary ground, without entering upon the merits of the case. In the absence of firm and adequate factual foundation, it was hazardous to embark upon a determination of the points involved. Likewise, in **State of Rajasthan V. Bhawani Singh and Others**² the Supreme Court held that disputed question relating to title cannot be satisfactorily gone into or adjudicated in a writ petition. Further in **Shubhas Jain V. Rajeshwari Shivam and**

¹ (1976) 3 SCC 160

² 1993 Supp (1) SCC 306



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Others³ the Supreme Court held that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts.

13. The very foundation of the appellants' case being the allegation of forgery and fabrication of the lease agreement. Such a controversy cannot appropriately be adjudicated in writ proceedings, which has rightly been considered by the learned Single Judge.

14. The appellants sought to contend that the learned Single Judge ought to have at least directed respondent No.2 to enquire into this complaint.

15. We are unable to accept the said submission. Undoubtedly, respondent No.2 is empowered to examine whether the requirements governing grant and continuation of affiliation have been duly complied with.

16. It is also material to note that there are several civil, criminal and other proceedings arising out of their *inter se* dispute between the parties. The existence of such multiple proceedings further

³ (2021) 20 SCC 454



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indicates that the controversy between the parties is not a standalone issue concerning the grant of affiliation, but forms part of series of disputes relating to respective rights, properties and affairs. The remedy, if any, for establishing forgery, fraud lies before the appropriate forum, where the parties can adduce evidence in support of their respective claims. Having regard to the nature of controversy, the relief sought in the writ petition would necessarily require adjudication of seriously disputed questions of fact. The learned Single Judge was, therefore, right in declining to exercise the writ jurisdiction.

17. We find no error or infirmity in the order passed by the learned Single Judge warranting any interference. Accordingly, the writ appeal is ***dismissed***.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**